

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 23-cr-27 (ECT/TNL)

Plaintiff,

v.

ORDER

Dodzi Kwame Kordorwu,

Defendant.

This matter comes before the Court on the Government’s Joint Motion to Amend Scheduling Order and for Exclusion of Time Under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* ECF No. 15. The Government requests a 60-day extension of its disclosures deadline. *Id.* at 2. The Government notes that “[t]his is a complex matter¹ involving voluminous discovery materials and one or more search warrants,” and “[t]he government is identifying and preparing materials to be disclosed to the defendant in pretrial discovery, which will require significant time.” *Id.* at 1. The Government contends that it needs additional time to analyze discovery in order to prepare motions and prepare for trial. *Id.* The Government requests that its disclosures deadline be extended to April 10, 2023, and the subsequent deadlines, including Defendant’s disclosures, motions filing, motions response, and the motions hearing, be extended similarly. *Id.* at 2. The Government notes that Defendant is not in custody. *Id.* at 1. Defendant joins in the Government’s motion.

¹ The Government states that “exclusion is warranted pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) because this case is complex.” ECF No. 15 at 1. The Court notes, however, that neither party has moved for a complex-case designation.

Id. at 1-2. The parties further request that the time period between the filing of the Government's motion for discovery, ECF No. 8, on February 2, 2023, and the amended deadline for further motions be excluded from computation under the Speedy Trial Act. *Id.* at 2.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide the parties reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Government's Joint Motion to Amend Scheduling Order and for Exclusion of Time Under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, ECF No. 15, is **GRANTED**.

2. The period of time from **February 2 through May 15, 2023**, shall be excluded from Speedy Trial Act computations in this case.

3. The government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **April 10, 2023**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **April 10, 2023**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

4. Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence- that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v.*

Maryland, 373 U.S. 83 (1963) and its progeny, and orders the United States to do so. Failure to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

5. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **April 17, 2023**. D. Minn. LR 12.1(a)(2).

6. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

7. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **May 15, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

8. **Counsel shall electronically file a letter on or before May 15, 2023, if no motions will be filed and there is no need for a hearing.**

9. All responses to motions shall be filed by **May 30, 2023**. D. Minn. LR 12.1(c)(2).

10. Any Notice of Intent to Call Witnesses shall be filed by **May 30, 2023**. D. Minn. LR 12.1(c)(3)(A).

11. Any Responsive Notice of Intent to Call Witnesses shall be filed by **June 2,**

2023. D. Minn. LR 12.1(c)(3)(B).

12. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

13. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **June 8, 2023, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

14. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Counsel should submit two hard copies of trial briefs, voir dire, proposed jury instructions, exhibit and witness lists, and trial-related motions (including motions in limine) to District Judge Eric C. Tostrud's chambers on or before ***a date to be determined.*** In addition, counsel should email the proposed jury instructions and exhibit and witness lists to: tostrud_chambers@mnd.uscourts.gov.

Judge Tostrud will hold a final pretrial on ***a date to be determined*** in **Courtroom 3B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

This case must commence trial on *a date to be determined* before District Judge Tostrud in **Courtroom 3B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Tostrud to confirm the new trial date.**

Dated: February 17, 2023

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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